

REMARKS/ARGUMENTS

Applicants submit herewith a substitute Sequence Listing and a corresponding computer-readable substitute Sequence Listing. The sequence information recorded in the corresponding computer-readable substitute Sequence Listing is identical to the paper copy of the substitute Sequence Listing. Support for all of the sequences listed in the substitute Sequence Listing is found in the present application as originally filed. No new matter has been introduced by the submission of the substitute Sequence Listing and the corresponding computer-readable substitute Sequence Listing.

Claims 1-3 and 5 are pending.

Claim 1 has been amended.

Claim 4 has been cancelled.

Support for the amendments is found in the claims and specification (e.g., the Examples, compound 4 in Table I; page 12, lines 25-29) as originally filed. No new matter is believed to have been added.

The objection of Claims 1 and 4 is not applicable to the claims presented herein as claim 1 has been amended and claim 4 has been cancelled. Applicants request that the objection of claims 1 and 4 be withdrawn.

The rejection of claim 1 under 35 U.S.C. 112, first paragraph, is not applicable to the claim presented herein as claim 1 is directed to a pharmaceutical composition comprising at least one anti-cancer agent bonded to at least one peptide consisting of the amino acid sequence of SEQ ID NO:14.

The present specification describes the claimed composition at least in the Examples (see, e.g., compound 4 in Table I), page 9, and page 12, lines 25-29. Applicants request that the rejection be withdrawn.

The rejection of claim 1 under 35 U.S.C. 102(b) over Pastan et al., US 5,608,039, is traversed because Pastan does not teach a pharmaceutical composition comprising at least one anti-cancer agent bonded to at least one peptide consisting of the amino acid sequence of SEQ ID NO:14.

Pastan et al. disclose a single chain B3 antibody fusion protein. However, Pastan et al. do not teach an anticancer agent bonded to a peptide comprising the amino acid sequence of SEQ ID NO:14.

Thus, Pastan et al. do not anticipate the claimed pharmaceutical composition. Applicants request that the rejection be withdrawn.

Claim 1 is rejected on the ground of non-statutory obviousness-type double patenting over claim 28 of co-pending Application No. 10/490,357. The rejection is provisional and is requested to be held in abeyance as the alleged conflicting claims have not been allowed (see MPEP § 804).

A Notice of Allowance for all pending claims is requested.

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